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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,290	12/08/2003	Charles R.J. Boutin		1587

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EXAMINER

OSELE, MARK A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,290

Applicant(s)

BOUTIN, CHARLES R.J.

Examiner

Mark A. Osele

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4 and 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 3,880,701 (Moree) in view of U.S. Patent 4,208,239 (Lass). Moree shows a taping apparatus for spreading an adhesive on one side of a continuous a strip of tape and applying the tape to wall board or the like, the taping apparatus comprising: elongated frame means including an enclosed elongated reservoir for adhesive having a tape inlet and a tape outlet arranged at opposite ends of said reservoir; said reservoir having one straight wall and an opposed arcuate wall against which tape is placed prior to filling said reservoir with adhesive, said arcuate wall being arranged to extend continuously between said inlet and said outlet so as to concentrate the adhesive placed in the reservoir and said tape is in continuous contact with the adhesive in the reservoir, whereby the tape passing through the reservoir is completely coated by the adhesive; support means for a roll tape mounted on said frame means adjacent to and in alignment with said reservoir whereby tape leaving said roll passes directly into said reservoir; manipulating handle means extending outwardly from said support means;

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adjustable gate valve means mounted at said tape outlet arranged to press against said arcuate wall with the tape passing therethrough having its uncoated side against said arcuate wall and to control the amount of adhesive on the opposite side of the tape; one way release means adjacent the outlet of said reservoir for passing tape outwardly from said gate valve means to prevent inward movement thereof; selectively operable lock means for temporarily locking said tape from travel from said gate valve means; cut-off knife means movable to tape cutting position; operating means adjacent said reservoir interconnecting said releasable lock means and said cut-off knife and arranged to initially actuate said selectively operable lock means and thereafter actuate said cut-off knife means; a pair of independent, freely rotatable tape applicator wheels mounted on the end of said frame means spaced from and independent of said cut-off knife means positioned to pass the adhesive coated side of tape to a wall and press the coated tape against the wall; and an arm extending from a hub operatively connected therebetween said pair of rotatable tape applicator wheels whereby an interchangeable creaser wheel or an interchangeable scraper for removing excessive adhesive is fastened thereon. Moree fails to show the creaser wheel to be interchangeable with a scraper.

Lass teaches that a taping apparatus can have interchangeable scrapers and creasing wheels so the tool can be used to apply tape to both flat walls and interior corners (column 7, lines 3-22). It would have been obvious to one of ordinary skill in the

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art at the time the invention was made to make the creaser wheel of Moree interchangeable with a scraper because Lass teaches that exchanging a creaser with a flat scraper increases the flexibility of a taping apparatus.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 3,880,701 (Moree) in view of U.S. Patent 4,208,239 (Lass) as applied to claim 4 above, and further in view of Vance. The references as combined show a screw as the attachment mechanism for fastening the interchangeable scraper to the arm. Vance teaches that a set screw, 72 (Figs. 4, 5), or a lever mechanism, 78 (Figs. 6-8), can each be used to attach a blade to a handle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the screw of the references as combined with a lever mechanism because Vance teaches the two to be equivalents for attaching an interchangeable blade to a tool.

Claim Rejections - 35 USC § 112

4. Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no description in the originally filed disclosure of a lever mechanism for attaching the interchangeable scraper to the arm of the tape dispenser.

Response to Arguments

5. Applicant's arguments with respect to claims 4-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References to Gunn and Stern et al. each show tape dispensers with a reservoir having an arcuate wall for the adhesive.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

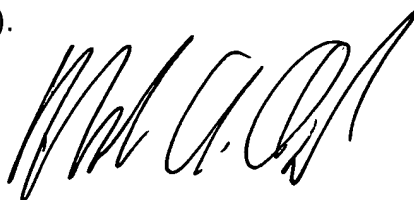
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Osele whose telephone number is 571-272-1235. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MARK A. OSELE
PRIMARY EXAMINER

May 14, 2006